

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MABYS JIMINEZ,	:	CIVIL ACTION NO. 05-5145 (MLC)
	:	
Plaintiff,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
WAL-MART STORES, INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

THE COURT having ordered the plaintiff to show cause why the complaint should not be dismissed for (1) failure to comply with Federal Rule of Civil Procedure ("Rule") 4(m), and (2) lack of prosecution under Local Civil Rule 41.1(a) and Rule 41(b) (dkt. entry no. 2); and it having appeared that the plaintiff failed to serve the summons and complaint on the defendants within 120 days after filing the complaint; and the plaintiff having been advised that the Court intended to dismiss the complaint unless the plaintiff either (1) showed good cause for this failure, or (2) established that service was effected within the 120-day period, see Fed.R.Civ.P. 4(m); and the Court, as required, having notified the plaintiff of the intention to dismiss the complaint, see Liu v. Oriental Buffet, No. 04-2850, 2005 WL 1394939, at *2 (3d Cir. June 14, 2005); and

IT HAVING APPEARED FURTHER, in any event, that the action had been pending for more than 120 days without the plaintiff taking any proceedings; and the plaintiff having been advised

that the Court intended to dismiss the complaint unless good cause was shown for the lack of prosecution, see L.Civ.R. 41.1(a), see also Fed.R.Civ.P. 41(b) (stating complaint may be dismissed for failure to prosecute); and the Court being authorized to impose harsh penalties when enforcing the Local Civil Rules, see Kabacinski v. Bostrom Seating, No. 03-1986, 2004 WL 628867, at *3 n.3 (3d Cir. Mar. 30, 2004), United States v. 11 Vehs., Their Equip. & Accessories, 200 F.3d 203, 214 (3d Cir. 2000); and

THE PLAINTIFF failing to respond to the Court's order to show cause; and thus the Court intending to (1) grant the order to show cause, and (2) dismiss the complaint for the plaintiff's failure to comply with Rule 4(m), Local Civil Rule 41.1, and Rule 41(b); and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge